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A/47/979
S/26120
20 July 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda item 143
THE SITUATION IN BOSNIA
AND HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 20 July 1993 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to present to you the attached letter dated 19 July 1993 from my President to you (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-seventh session of the General Assembly, under agenda item 143, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

ANNEX

Letter dated 19 July 1993 from the President of Bosnia and Herzegovina to the Secretary-General

The Presidency of the Republic of Bosnia and Herzegovina will soon forward its proposal for negotiations on Bosnia and Herzegovina to your envoy, Mr. Stoltenberg. Our proposal envisages the federal structure of Bosnia and Herzegovina, in view of which the Republic would be composed of several federal regions, not exclusively based on ethnic principles.

We would also like to commend Mr. Stoltenberg for all his efforts made so far in seeking an equitable peace for Bosnia and Herzegovina.

My Government has been following with great interest the modalities that you have utilized successfully to reach a peace agreement in El Salvador, after a 10-year war, and more recently, to return democracy to Haiti.

The concept of friends of the Secretary-General, which allowed you to incorporate a formal group of countries to support the efforts of your Special Representative in both of those negotiations, has proven to be extremely useful in concluding the agreements. It is based on these experiences of using a group of friends of the Secretary-General that my Government wishes to encourage you to ask a group of countries to support the efforts of your Special Representative, Mr. Stoltenberg.

I am confident that a group of countries that have proven to value multi-ethnic and multi-cultural principles in their own societies will be willing to contribute with you and with the people of Bosnia and Herzegovina at such a tragic point in its history.

I would like to stress to you how important we consider this request, which we believe will be of extraordinary relevance in the negotiations to bring peace to my country.

(Signed) Alija IZETBEGOVIC
President

UNITED
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Security Council

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GENERAL

S/26121
20 July 1993

ORIGINAL: ENGLISH

LETTER DATED 20 JULY 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit a letter from the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe, the Minister of Foreign Affairs of Sweden.

I should be grateful if you would arrange for it to be circulated as a document of the Security Council.

(Signed) Lars-Göran ENGFELDT
Ambassador
Chargé d'affaires a.i. of
the Permanent Mission of Sweden
to the United Nations

Annex

Letter dated 20 July 1993 from the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe addressed to the President of the Security Council

In my capacity as Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe, I wish, in conformity with Article 54 of the Charter of the United Nations, to inform you and, through you, the members of the Security Council on the following.

The CSCE missions of long duration in Kosovo, Sandzak and Vojvodina were established in September 1992 to promote dialogues between the authorities and communities in the three regions, collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problem as well as assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.

The missions have indeed proved extremely valuable in promoting stability and counteracting the risk of ethnically motivated violence to Kosovo, Sandzak and Vojvodina.

The presence of the missions was accepted by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the value of their activities has been clearly acknowledged by that Government.

At the end of June 1993, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) withdrew its acceptance of the missions and its cooperation with them.

It is the considered opinion of the CSCE participating States that the decision by the Belgrade authorities not to allow the continued functioning of the missions aggravates the existing threats to peace and security in the region.

(Signed) Margaretha af UGGLAS
Chairman of the CSCE Council

UNITED
NATIONS

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Security Council

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GENERAL

S/26122
21 July 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 JULY 1993 FROM THE PERMANENT MISSION OF NORWAY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Norway to the United Nations presents its compliments to the Secretary-General and, with reference to paragraph 13 of Security Council resolution 841 (1993) concerning the embargo against Haiti, has the honour to transmit herewith a copy of the Norwegian national regulation of 25 June 1993 relating to the implementation of the said resolution.*

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* The text of the legislation is available for consultation in the Security Council secretariat, room S-3545.

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UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26123
21 July 1993
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 15 JULY 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to confirm, in accordance with Security Council resolution 841 (1993), paragraph 13, the following with respect to the implementation by France of the resolution.

The twelve member States of the European Community have drafted a text (EEC Regulation No. 18081 of 24 June 1993), published in the Official Journal of the European Communities of 26 June, incorporating the relevant provisions of resolution 841 (1993).

No further financial measure has so far been taken, since the Security Council's objectives and the mandatory provisions of resolution 841 (1993) are covered by Decree No. 91-1079 of 18 October 1991, by which prior authorization is required in respect of any financial payment abroad on behalf of bodies corporate or individuals under the direct or indirect authority of the Haitian State.

A notice to exporters, specifying the exemptions from the oil embargo imposed against the Haitian State, is in the course of issuance.

The regulation of 26 June 1993 and the text of the decree of 18 October 1991 are annexed hereto.*

(Signed) Hervé LADSOUS
Chargé d'affaires a.i.
Deputy Permanent Representative

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* The text of the legislation is available for consultation in the Security Council secretariat, room S-3545.

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UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26124
20 July 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 JULY 1993 FROM THE PERMANENT MISSION OF GREECE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Greece to the United Nations presents its compliments to the Secretary-General and, with reference to Security Council resolution 841 (1993) concerning Haiti, has the honour to inform him of the following.

In accordance with the provisions of Law 92/1967, as amended by Law 2145/1993, the President of the Hellenic Republic promulgates decrees for the implementation of Security Council resolutions adopted within the framework of Article 41 of the Charter of the United Nations.

According to the same law, Security Council resolutions must previously be published in the Official Gazette, through order of the Minister for Foreign Affairs.

Law 92/1967 contains the penalties imposed in case of violation of the presidential decrees implementing Security Council resolutions. These penalties include imprisonment up to five years and/or fines up to 1 million drachmas. Imprisonment may not be suspended or transformed to a pecuniary penalty. Prosecution in the above cases takes place ex officio.

In pursuance of the procedure described above, an order of the Minister for Foreign Affairs is currently being prepared for the publication of Security Council resolution 841 (1993). A presidential decree will be issued after the publication of resolution 841 (1993).

In the meantime, the competent administrative authorities are issuing a number of acts with a view to ensuring immediate implementation of resolution 841 (1993). Within this context, the Ministry of Finance has already notified (as from 22 June 1993) the customs officers throughout Greece of the restrictions imposed by resolution 841 (1993), and has ordered their strict implementation. The Bank of Greece is currently preparing an Act freezing all assets as described in the above resolution.

The EEC Council has issued regulation No. 1608/93 relating to the implementation of commercial sanctions imposed by resolution 841 (1993). This regulation is automatically enforceable after 24 June 1993 in the Greek legal order.

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General Assembly
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GENERAL

A/48/274
S/26125
20 July 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Item 115 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 20 July 1993 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a reply from the Government of the Republic of Croatia (see annex) to the charges made in the document entitled "Memorandum on the violation of human rights in the Serb community of Gorski Kotar in the Republic of Croatia", which was contained in the annex to a letter dated 24 May 1993 addressed to you by the Chargé d'affaires a.i. of the Permanent Mission of the Socialist Federal Republic of Yugoslavia to the United Nations and circulated as an official document of the General Assembly and of the Security Council (A/48/176-S/25834, annex).

I would be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 115 (c) of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

* A/48/50.

ANNEX

Reply of the Government of Croatia to the document entitled "Memorandum on the violation of human rights in the Serb community of Gorski Kotar in the Republic of Croatia", contained in the annex to document A/48/176-S/25834

The "Memorandum on the Violations of Human Rights in the Serb Community of Gorski Kotar in the Republic of Croatia" which was deposited with the "Yugoslav State Commission on War Crimes and Genocide" and submitted to the General Assembly and the Security Council by the Charge d'affaires of the Permanent Mission of the Socialist Federal Republic of Yugoslavia to the United Nations contains false statements and half-truths as well as dubious assertions and incorrect demographic claims. Its intent is to create a false perception of the behavior of the Croatian Government towards the Serbian minority living within the Republic of Croatia.

The claims that the Serbian minority in the Croatian region of Gorski Kotar is endangered and that, therefore, the region should be incorporated into the so-called pink zones under UN protection, is simply a veiled call for separating this region, which has a Croat majority, from the Republic of Croatia and placing it under Serbian occupation. Such calls can only be seen as preludes to attempts at territorial conquest and a threat to the territorial integrity and sovereignty of the Republic of Croatia.

Contrary to claims made in the above-mentioned Memorandum, there has never been any economic, traffic, or information blockade of the area in question. The flow of people and goods is free for both Serbs and Croats. The allegations that the position of Serbs in the area has deteriorated, since the departure of the Rijeka Corps of the ex-Yugoslav Army, are false. The truth is that back in June 1991, the same Army gave weapons to the Serbs for "self-protection". As witnessed by the Vrbovsko Agreement, no ultimatum for the surrender of arms under duress was delivered to the Serbian population.

Also untrue are allegations of the arrest of Serbs in the area, infliction of damage to their property, let alone killings or expulsions. The fact that some Serbs or Serbian families have decided of their own free will to leave for the so-called Krajina or the Republic of Serbia is perfidiously described as forced departures.

Further slandering of Croatian authorities and some members of the Croatian leadership is committed by allegations of forced mobilization of Serbs, renaming of places with sizeable Serbian population, prevention of Serbian children from attending school, complete annihilation of Serbian villages and the like. After all, the representatives of the CSCE Rapporteur Mission, who visited the area last year, as well as a number of other representatives of international humanitarian organizations, who inspected the area of Vrbovsko, Ogulin and Otocac, could see for themselves how false these or similar allegations are.

To give a better idea of what the situation in Gorski Kotar is really like, below are some facts related to the developments referred to in the Memorandum forwarded to the UN Security Council on 23 May 1993, by the Yugoslav Charge d'affaires to the UN.

- Ogulin district comprises the greater part of the valley of Ogulin and Plasce, which, together with Gorski Kotar and Lika, make up the region of the Croatian Highlands. According to the 1991 census, the population of these areas consisted of 29,095 inhabitants scattered in 82 settlements(17,966 Croats - 56.9%, 10,200 Serbs - 32.8% and others). The share of the Serbian population in Vrbovsko district is 35%, mostly in the places of Gomirje and Srpske Moravice.

- The aggression against Croatia has obliterated virtually all traces of Saborsko together with the villages of Borik, Tuk, Varos, Brdine, Funtana, Biljevina, Lug, Kuselj and Corkova Uvala, where 329 family houses and farmhouses were burned down or demolished and the local population cruelly murdered or expelled. According to the 1991 census, Saborsko had 852 inhabitants (800 Croats, 18 Serbs, 5 Yugoslavs and 29 nationally undeclared); the villages of Josipdol and Modrus, Pavlizi, Cerovnik, Turkalji. Modruski Sabljaci, Mateskovici and others have been razed to the ground. The expelled villagers were subsequently given shelter in the area of the previous Ogulin District.

- Before attacking Croatia, the ex-Yugoslav army distributed weapons and ammunition to the Serbian population in the area. According to the information obtained in the field, the local Serbs received about 1,600 barrels (82 and 102 mm mortars) and were the first to put up village sentinel posts and barricades on the access roads to their villages. Following the Jasenak agreement of 10 July 1992, the Serbs returned 114 pieces of armament from Jasenak and Dreznica, 5 from Brestovac, 9 from Muslinski Potok, 6 from Vitunj, totalling 134 pieces of armament plus 4,301 bullets. The same agreed surrender of weapons took place in other local communities, alhough the entire quantity of weapons which had been distributed by the ex-Yugoslav Army has not been returned to Croatian authorities.

- Since the beginning of the armed conflicts, five young men of Serbian nationality from this area were called to service in the Croatian Army and all of them responded favorably. As part of the mobilization, in early August 1992, for the 143rd Ogulin Brigade, 31 citizens of Serbian nationality were requested to make their vans available. Nine of them complied, whereas others stated in writing that their vehicles were defective.

- After the influx of about 700,000 refugees and displaced persons to Croatia, a need arose to open the "Bjelolasica" Recreational Center in Jasenak for their accommodation. No ultimatum was given to the Jasenak villagers by the Ogulin authorities. The truth is that the Serbs from Jasenak wanted to show their loyalty to the Croatian state. The result was that the Center received 661 displaced persons from Croatia in May 1992. Their present number is 552. It should be noted that no spectacle was made of their arrival in Jasenak and that no TV-crews were sent there on that occasion. It is also not true that the Serbs provided shelter to them, because all of them were accommodated in the "Bjelolasica" Recreational Center.

- At the meeting held on 28 May 1992, at Dreznica, attended by Mr. Josip Boljkovac, there was no mention of any listing of Serbian men, potential conscripts, aged 16 to 60, as alleged in the Memorandum. Nor does Mr. Boljkovac perform the duty attributed to him.

- Similarly false is the allegation that two villages, Gornje Dubrave and Donje Dubrave, were renamed on 15 July 1992, to Gornji Tounj and Donji Tounj. According to the 1991 census, Gornje Dubrave had 15 and Donje Dubrave 207 inhabitants, therefore, claiming that 500 to 800 elderly Serbs live in these villages is not true. Also untrue is that, on 5 September 1992, the place of Srpske Moravice was renamed. This could easily be checked by viewing official documents.

- In compliance with the agreements and requests by the representatives of Dreznica, Jasenak, M. Potok, and Bjelsko and in the interest of the local Serbs who asked for protection against extremist Serbian individuals, the Jasenak Police Station was formed and still operates (14 Croatian and 11 Serbian officers).

- Following the administrative reorganization, the city of Ogulin comprises the local communities of Dreznica, Jasenak, M. Potok, Brestovac, Vitunj, and Ponikve and the Josipdol district comprises the area of Gornje Dubrave and Donje Dubrave.

- The Memorandum also spreads false information when it says that no Serb from the "Serbian enclave" in Gorski Kotar holds a public post. The fact is that the Ogulin police station, municipal administration and hospital alone employ more than 160 citizens of Serbian nationality.

- While it is generally known among the Croats and Serbs living in the area of Ogulin that the Ogulin hospital treats their patients of all nationalities equally, it should be noted that all chief doctors there (surgeons, X-ray specialist, gynecologist, psychiatrist, etc.) are Serbs.

- The allegation that 300 Croats have recently settled in the area of Jasenak is a fabrication because no Croat has come to live in that area since the beginning of armed conflict.

- On 17 November 1992, 12 members of the Serbian Democratic Party (SDS) from Josipdol were brought for questioning to the Ogulin police station, suspected of possessing arms received from the ex-Yugoslav Army and organizing armed rebellion designed to annex Josipdol to Plaski. During a break in the questioning procedure, they were held on the restaurant premises of Ogulin police station. Mladen Puskaric burst in uninvited, opened machine-gun fire on them and killed Bozo Mandic and Dusan Plecas and mortally wounded Nikola Papic who later died in the hospital. The special unit guards who kept the men in custody prevented Puskaric from continuing the slaughter. For this grave crime, Puskaric was sentenced to an imprisonment of eight years.

- It should be pointed out that the Orthodox religious service in this area is practiced in a normal and free manner and that, consequently, the allegation about a prohibition to celebrate the Serbian religious holiday of St. Sava is a lie. This can be corroborated by the fact that two Orthodox priests are resident in the Vrbovsko area and that they regularly perform their religious duties and enjoy all rights as citizens of the Republic of Croatia (documents on citizenship, passports, driving licenses, etc.)

- A significant role in the Memorandum is given to the documentation of Ljubica Carevic from Srpske Moravice regarding her application for obtaining personal documents. The respective file at the Ministry of the Interior shows that the procedure was conducted in accordance with current regulations. The allegations that Ljubica Carevic and her family were harassed and thus forced to leave Srpske Moravice are entirely false, because as early as August 1991, they left Croatia of their own free will and settled in Serbia.

UNITED
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Security Council

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S/26126
21 July 1993

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following the consultations held on 21 July 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

"The members of the Security Council held informal consultations on 21 July 1993 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

"After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of resolution 687 (1991), as referred to in paragraph 28 of resolution 687 (1991); and in paragraph 6 of resolution 700 (1991)."

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UNITED
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GENERAL

S/26127
21 July 1993

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General wishes to transmit herewith the letter dated 20 July 1993, addressed to him by Mr. Rolf Ekéus, Executive Chairman of the Special Commission, upon the completion of the latter's mission to Iraq to seek compliance with the Council's decision of 18 June 1993 (S/25970).

Annex

Letter dated 20 July 1993 from the Executive Chairman of the Special Commission addressed to the Secretary-General

I have the honour to refer to the statement issued by the President of the Security Council on 18 June 1993 (S/25970) and the subsequent decision that I should visit Baghdad to meet with the highest levels of the Iraqi Government in order to secure compliance with the decisions contained in that statement. I am submitting herewith my report on the proceedings and the outcome of my visit to Baghdad and I request that it be circulated as a document of the Security Council.

(Signed) Rolf EKÉUS
Executive Chairman

Enclosure

Report to the Secretary-General by the Executive Chairman of the Special Commission established pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

INTRODUCTION

A. Background

1. After consideration by the Security Council of a report by the Secretary-General (S/25960), the President of the Security Council issued an agreed statement (S/25970) on 18 June 1993 regarding the Government of Iraq's refusal to comply with certain instructions of the Special Commission. In that statement, the members of the Council stated that "Iraq must accept the installation by UNSCOM of monitoring devices at the rocket test sites in question and transport the chemical weapons-related equipment to a designated site for destruction." It further concluded that "Iraq's refusal to comply with the decisions of the Special Commission as set out in the report of the Executive Chairman constitutes a material and unacceptable breach of the relevant provisions of resolution 687 (1991), which established the cease-fire and provided the conditions necessary for the restoration of peace and security in the region, as well as violations of Security Council resolutions 707 (1991) and 715 (1991) and the plans for ongoing monitoring and verification approved thereunder." The Council "demanded that the Government of Iraq immediately comply with its obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991)".

2. In the period following the issuance of the statement, the Special Commission submitted to the President of the Security Council five notes regarding the status of Iraq's compliance with that statement. In these notes, the Commission reported that, over the period 18 June to 2 July, Iraq had moved all the chemical weapons precursor production equipment and precursor chemicals to the Muthanna State Establishment, where they had been delivered to the Commission's Chemical Destruction Group. Subsequently, the Commission was able to supervise and verify the destruction of this equipment. The precursors would be destroyed during the normal course of activities of the Chemical Destruction Group.

3. However, as of 8 July, the Commission was unable to report any progress on the installation of the monitoring cameras at the two rocket test sites. Indeed, the member of the Office of the Special Commission sent to establish, in contacts with the Iraqi side, the modalities for the installation of the cameras was told by a senior Iraqi official that Iraq would not accept their immediate installation because such installation would be one of the measures in the implementation of ongoing monitoring and verification as approved under resolution 715 (1991), a matter still the subject of discussion between Iraq on one side and the Special Commission and the Security Council on the other. In the light of the position of the Government of Iraq, the Special Commission's installation team, which had spent over a month in Iraq awaiting favourable developments to allow it to proceed with its mission, was instructed by the Executive Chairman to withdraw on 5 July.

4. On 8 July 1993, the Executive Chairman of the Special Commission informed the President of the Security Council that he had received information that Iraq was dismantling and moving the equipment at the test sites in question so as to render them inoperative. However, as an interim measure because the sites could be reactivated at very short notice, the Commission, after having informed the Security Council, was dispatching immediately a team of ballistic missile experts to Iraq to seal the relevant equipment and facilities at both sites so as to ensure that they were not used for any testing purposes until the monitoring cameras had been installed. This team arrived in Baghdad on 10 July and was informed by Lieutenant-General Amer Rashid, Director of Iraq's Military Industrialization Corporation, that sealing the sites was unnecessary as they were no longer operative. The Commission could inspect the equipment at the place to which it had been moved at any time. The Executive Chairman nevertheless instructed the Commission's Chief Inspector to proceed to the test sites and to affix seals to the test stands in accordance with the procedures that had been reported to the Council in the Executive Chairman's note of 8 July and approved by the Council. When the Chief Inspector attempted to affix the seals, his Iraqi counterpart intervened and blocked him from proceeding. Upon being informed of this, the Executive Chairman instructed the Commission's team to leave Iraq immediately.

5. On 11 July 1993, the Minister for Foreign Affairs of Iraq, Mr. Mohammed Said Al-Sahaf, addressed a letter to the President of the Council in which he explained Iraq's refusal to permit the sealing of the sites and the equipment. He stated that the Special Commission had "begun to implement the provisions of resolution 715 (1991) without having committed itself to informing the Security Council that Iraq's compliance with the provisions of section C of resolution 687 (1991) makes it incumbent upon the Council to begin considering in earnest the implementation of paragraph 22 of resolution 687 (1991), i.e., lifting the economic sanctions imposed on Iraq. This is the main issue."

6. On 12 July, the Executive Chairman reported to the President of the Security Council on the outcome of the attempt to seal the two sites and the equipment. Referring to the failure of all efforts by the Special Commission either to monitor the sites or, in the absence of monitoring, to ensure their non-use until such time as effective monitoring could commence and, in particular, to the letter of the Foreign Minister of Iraq, the Executive Chairman stated that the matter had been unequivocally raised by Iraq from a specific issue of monitoring two missile-engine test sites to the level of the principle of Iraq's acceptance of ongoing monitoring and verification under resolution 715 (1991). While an interim solution preventing use of the missile test sites might be possible, the permanent solution, through the installation of monitoring cameras, would not be found until Iraq could be convinced that it must accept and implement resolution 715 (1991), which was a Chapter VII decision of the Security Council. The Special Commission had always understood Security Council resolutions 687 (1991), 707 (1991) and 715 (1991) to constitute an indissoluble whole, and it had acted accordingly. The Special Commission could not, therefore, consider reporting to the Security Council under paragraph 22 of resolution 687 (1991) until it deemed Iraq to be in compliance not only with that resolution, but also with resolution 707 (1991) and, in particular, resolution 715 (1991). In the present circumstances, there might be some utility in conveying this message, with the full support of the Council, to the highest levels of the Iraqi Government.

7. On 12 July, the Security Council held an informal session to consider the Executive Chairman's note of that date and it was decided that the Executive Chairman of the Special Commission should visit Baghdad for the purposes stated above.

B. Mission to Baghdad

8. On 13 July, the Executive Chairman left United Nations Headquarters for Baghdad. He was accompanied by the following members of the staff of the Office of the Special Commission: Mr. John F. Scott, Mr. Tim Trevan and Ms. Olivia Platon.

9. The special mission visited Baghdad from 15 to 19 July 1993. Over the course of its stay, the Executive Chairman and the members of his staff held the following six meetings at the highest levels of the Government of Iraq:

Date and time	Representation by Iraq (principal members of the delegation)
15 July 1993	
1930-2140 hours	H.E. Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs Mr. Human Abdul Khaliq, Minister of Higher Education and Scientific Research, and Chairman, Iraqi Atomic Energy Commission General Amer Muhammad Rashid, Director, Military Industrialization Corporation Mr. Saadoon Al-Zubeidi, Ministry for Foreign Affairs Mr. Abdul Halim Al-Hajjaj, Iraqi Atomic Energy Commission Mr. Hossam Muhammad Amin, Chief Iraqi Counterpart Mr. Said Al-Musawi, Ministry for Foreign Affairs
16 July 1993	
1030-1300 hours and 1900-2150 hours	H.E. Mr. Tariq Aziz, Deputy Prime Minister (accompanied by the above delegation)

18 July 1993	
1145-1300 hours and 2000-2350 hours	As above, with the addition of Mr. Riyadh Al-Qaysi, Under-Secretary, Ministry for Foreign Affairs
19 July 1993	
0800-1200 hours	As above

10. The first four of the above meetings were held in plenary session, the fifth was a private meeting, initially between the Deputy Prime Minister and the Executive Chairman, and later with the participation of the Foreign Minister, the Minister of Higher Education and Scientific Research, the Director of the Military Industrialization Corporation, the Under-Secretary for Foreign Affairs and Mr. Scott. The sixth meeting started with a private session between the Under-Secretary for Foreign Affairs and Mr. Scott, followed by a private meeting between the Deputy Prime Minister, the Foreign Minister, and the Executive Chairman, and ending with the additional participation of the Minister of Higher Education and Scientific Research, the Director of the Military Industrialization Corporation, the Under-Secretary for Foreign Affairs, Mr. Scott, Mr. Trevan and Ms. Platon.

I. DISCUSSIONS

11. In the course of the meetings, a frank, serious and comprehensive exchange of views took place. These meetings ended on a positive note. At the fourth meeting, the delegation of Iraq presented a position paper. In preparation for the fifth meeting, the Executive Chairman presented initial written comments on the Iraqi position paper, together with the Special Commission's position paper containing proposals that had been presented orally in the earlier discussions. These papers are set out below.

A. Iraqi position paper

"Although Iraq understands that the implementation of its obligations under section C of resolution 697 (1991), which is what has been accomplished, makes it incumbent upon the Council to implement paragraph 22 of the said resolution, which has not been accomplished, Iraq, desirous to cooperate further with the Council and the Special Commission in order to reach a solution to the outstanding issues and lift the blockade imposed upon its people, presents the following proposals:

"1. Iraq is ready to comply with the provisions of the plans of ongoing monitoring and verification as contained in resolution 715 (1991).

"2. The Security Council and the Special Commission hereby undertake that, while implementing the said plans, they shall respect the sovereignty, internal security and dignity of the people and State of Iraq.

"3. The Security Council and the Special Commission hereby pledge themselves to guarantee, while implementing the said plans, Iraq's right to industrial, scientific and technological progress and to development in all fields not covered by the prohibitions contained in resolution 687 (1991).

"4. Whenever it is necessary for the Special Commission to carry out aerial tasks of monitoring and verification, the Commission shall use Iraqi means, such as helicopters and reconnaissance aircraft, instead of non-Iraqi means, or shall use other means agreed upon by both sides.

"5. The Special Commission hereby undertakes that the implementation of monitoring and verification tasks in the nuclear, chemical and biological fields shall be carried out in accordance with the rules and methods adopted in the relevant international agreements currently in force.

"6. The Security Council and the Special Commission hereby undertake to implement immediately and fully paragraph 22 of resolution 687 (1991) without any additional conditions.

"7. The Security Council undertakes to lift the embargo stated in paragraph 24 of resolution 687 (1991).

"8. The Security Council and the Special Commission hereby pledge themselves to work immediately and in earnest on the implementation of paragraph 14 of resolution 687 (1991), in which the Council makes clear that the actions to be taken by Iraq under the paragraphs related to the weapons of mass destruction 'represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons'; and also to ensure that the measures of prohibition, monitoring and verification applied to Iraq, including those to do with ballistic missiles, are part of the plans applied to all countries of the region without exception. It is also natural to reaffirm Iraq's right to benefit from the advantages of implementation which accrue to the countries of the region.

"9. Taking into consideration the affirmation made by the Security Council of 'the commitment of all Member States to the sovereignty, territorial integrity and political independence', of Iraq, which constitutes a comprehensive and unequivocal obligation on all States, including the States members of the Security Council, Iraq demands from the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and France, in accordance with their commitments under the Charter of the United Nations, particularly as they are permanent members of the Security Council, and compliance with the provisions of the Security Council resolutions adopted under Chapter VII, including resolution 687 (1991), to show full respect to Iraq's sovereignty, security and territorial integrity, to bring to an immediate end the air embargo which they have imposed to the south of parallel 32 and to the north of parallel 36, to cease violating Iraq's airspace and to refrain forthwith from interfering in the internal affairs of Iraq."

B. Initial comments by the Executive Chairman of the Special Commission on the position paper presented by the Government of Iraq

"Introduction

"1. The position paper presented by the Government of Iraq is of a comprehensive nature and many of the issues with which it deals fall outside the competence of the Special Commission. Furthermore, certain paragraphs are addressed both to the Security Council and to the Special Commission. The Executive Chairman can make no comment upon nor enter into any commitment insofar as the issues concerned are addressed to the Council or certain members of the Council and seek action by the Council or certain of its members. The Executive Chairman will, of course, submit the Government of Iraq's position paper to the Security Council for its consideration as part of his report on the outcome of his present mission. The paragraphs that follow contain some preliminary comments by the Executive Chairman on issues raised in the position paper that come within the areas of responsibility of the Commission.

"2. The undertaking by Iraq in paragraph 1 of its position paper is welcomed. In this context, attention is drawn to paragraph 7 of the Executive Chairman's position paper.

"3. In paragraph 2 of Iraq's position paper, it is suggested to insert the words 'in accordance with the Charter of the United Nations' after the words 'they shall'.

"4. Paragraph 3 of Iraq's position paper reflects the intentions of the Special Commission in the discharge of its responsibilities under its plan for ongoing monitoring and verification.

"5. In respect of paragraph 4 of Iraq's position paper, attention is drawn to paragraph 4 of the Executive Chairman's position paper, which reflects the intentions of the Special Commission in this regard.

"6. The concerns of the Special Commission regarding paragraph 5 of Iraq's position paper would be met if the end of this paragraph were to read as follows: 'carried out in the same spirit as relevant international agreements in the field of arms control and disarmament'.

"7. In respect of paragraph 6 of Iraq's position paper, the Special Commission would be prepared to give an undertaking that it will report to the Security Council, under paragraph 22 of resolution 687 (1991), when it is satisfied that Iraq is in compliance with its obligations under paragraphs 8, 9, 10, 11, 12 and 13 of that resolution. It is for the Council to decide upon the action it takes in the light of such a report.

"8. Paragraph 7 of Iraq's position paper falls outside the competence of the Special Commission, paragraph 24 of resolution 687 (1991) laying down that the lifting of the embargo referred to in that paragraph will be made by a 'further decision' of the Security Council.

"9. In respect of paragraph 8 of Iraq's position paper, implementation of paragraph 14 of Security Council resolution 687 (1991) is not addressed to the Special Commission. The Special Commission has, and will continue, to draw attention to the importance of this paragraph for the maintenance of international peace and security in the region. The Special Commission is also aware of the significance of the successful carrying out of its own mandate to the realization of the goal set out in paragraph 14 of the resolution.

"10. The matter dealt with in paragraph 9 of Iraq's position paper is entirely outside the competence of the Special Commission, and is addressed to three of the permanent members of the Security Council. The attention of these members will be drawn to this paragraph when the Executive Chairman presents his report to the Security Council."

C. Position paper by the Executive Chairman of the Special Commission

"I. Introduction

"1. The Executive Chairman of the Special Commission (UNSCOM) has undertaken his present mission to Iraq in order to seek full compliance with the Security Council's decision of 18 June 1993. He has, in this context, addressed in particular the issue of acknowledgement by Iraq of its obligations under Security Council resolution 715 (1991) and the plans approved thereunder and the issue of the monitoring of the rocket-engine test sites at Yawm Al Azim and Al Rafah. After an extensive review with the Deputy Prime Minister of Iraq, other senior Ministers and officials, the Executive Chairman presented to Iraq the following proposals as a basis for obtaining full compliance with the Council's decision.

"II. Security Council resolution 715 (1991) and the plans approved thereunder

"2. The objective of the Secretary-General's plan (S/22871/Rev.1) for ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991), approved by the Council in its resolution 715 (1991), is defined in paragraph 10 of resolution 687 (1991). That objective is to monitor and verify Iraq's unconditional undertaking not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 of the resolution. The Special Commission will carry out its responsibilities under the plan in good faith and with this sole objective in view.

"3. Part B of the plan, in particular paragraphs 16 to 24, define the general rights of the Special Commission. These general rights are comprehensive in nature. The full cooperation and goodwill of the Government of Iraq in carrying out the plan will be the determining factor as to the extent to which the Commission will be obliged to invoke and insist upon its rights. If the necessary cooperation and goodwill are forthcoming, this will permit the development of a routine whereby the

Commission can operate in an unobtrusive manner, without unnecessarily hampering or delaying the normal activities at locations which are being inspected, and with due regard to Iraq's sovereignty, independence, security and dignity in accordance with the Charter of the United Nations.

"4. Without prejudice to its rights to provide its own full logistical support, including transport, in the carrying out of its responsibilities, the Special Commission intends to avail itself of those provisions in the plan pursuant to which the Government is required upon request to provide logistical and technical support, including flights for purposes specified in paragraph 17 of the plan. The extent to which the Commission will so avail itself will depend upon the prevailing situation of confidence, the availability of local logistical and technical support which would meet the Commission's requirements and experience in its use.

"5. The Special Commission will be prepared to review with the Government, from time to time, the operations and execution of the plan and will examine in good faith any considerations that the Government may raise and will determine what action, if any, it can take to accommodate the Government's concerns within the scope of its responsibilities to the Security Council and the effective and efficient performance of its functions.

"III. Monitoring of the two rocket-engine test sites

"6. Iraq has agreed, on an interim basis, to permit the installation of cameras at Yawm Al Azim and Al Rafah under modalities which have been arrived at between Iraq and the Special Commission.

"7. This has been done in order to facilitate the initiation of high-level technical talks between Iraq and the Special Commission. Iraq and the Special Commission are agreed that a principal topic to be discussed will be the nature and implementation of ongoing monitoring and verification pursuant to the resolutions of the Security Council."

II. CONCLUSIONS

12. In so far as it relates to the responsibilities of the Special Commission, the Commission believes that the position paper presented by Iraq contains positive elements which permit the Commission and Iraq to commence, as soon as possible, high-level technical talks in New York. In view of these elements, Iraq and the Commission are agreed that a principal topic to be discussed will be the nature and implementation of the provisions of the plans for ongoing monitoring and verification as approved by Security Council resolution 715 (1991), as well as all other outstanding issues between Iraq and the Commission. This will be done with a view to resolving the aforesaid issues.

13. In arriving at the above conclusion concerning the initiation of the high-level technical talks, the Special Commission notes that Iraq has agreed, on an interim basis, to permit the installation of cameras at Yawm Al Azim and Al Rafah. The Special Commission will shortly dispatch a technical team to

undertake such installation. The long-term solution of this issue will be one of the topics to be covered in the aforementioned talks, including the question of the activation of these cameras. Pending the outcome of those talks, the Deputy Prime Minister of Iraq has given the Executive Chairman of the Special Commission explicit assurances that Iraq will provide the Commission with adequate notice of any test firings to permit it to observe those firings and will facilitate inspections of the two sites by the Commission at such times and as frequently as the Commission shall deem necessary.

14. The above conclusions have been read to the delegation of Iraq. It is agreed that they represent common understandings arrived at during the Executive Chairman's mission.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26128
21 July 1993

ORIGINAL: ENGLISH

LETTER DATED 19 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF UKRAINE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

With reference to the letter dated 30 June 1993 addressed to you by the Permanent Representatives to the United Nations of Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Italy, Poland, Slovakia and Slovenia, States participating in the Central European initiative (S/26107), I have the honour to inform you that Ukraine joins the above-mentioned countries in sponsoring an appeal for the reopening of the Adriatic pipeline, which will be a positive contribution to the peaceful efforts to normalize the situation in the war-torn areas of the former Yugoslavia.

I would appreciate it if you could arrange for the circulation of this letter as a document of the Security Council.

(Signed) Victor H. BATIOUK
Permanent Representative

93-40978 (E) 220793

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26129
21 July 1993
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 21 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you of current developments in the conflict between Armenia and Azerbaijan.

In spite of the efforts made by the Conference on Security and Cooperation in Europe (CSCE) to achieve a political settlement of the conflict between Armenia and Azerbaijan, the Armenian side continues to commit acts of aggression against Azerbaijan. After the recent visit to the region by Mr. Rafaelli, Chairman of the Minsk Conference, in which practical aspects of the implementation of the schedule of urgent measures proposed by the Minsk Group were clarified, the Armenian side yet again has violated the agreements that have been reached.

On 21 July, at 0700 hours local time, Armenian artillery, firing from three directions, began a concentrated rocket artillery shelling of the city of Agdam and its suburbs. At 0800 hours, Armenian troops, having completed artillery preparation, mounted a large-scale offensive against Agdam. By 1230 hours, they had succeeded in capturing Agdam's southern suburbs of Muganly and Shykhbalaly. Using heavy weapons, the Armenian troops are carrying out a further advance on Akhmedavar and Marzily, settlements in close proximity to Agdam.

These facts are unmistakable proof of Armenia's intention to continue the aggression against Azerbaijan. At the same time, without any validity, it declares its willing commitment to a peaceful settlement of the conflict and its support of Security Council resolution 822 (1993).

The Azerbaijani side repeats its conviction that unless the international community, through the United Nations, condemns the invasive actions of Armenia, the latter will continue with impunity its aggression against Azerbaijan, thereby violating international peace and security in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

93-40984 (E) 220793 220793 220793

UNITED
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Security Council

Distr.
GENERAL

S/26130
22 July 1993

ORIGINAL: ENGLISH

LETTER DATED 22 JULY 1993 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have noted your report of 13 July 1993 pursuant to resolution 795 (1992) (S/26099) on the deployment and activities of the United Nations Protection Force (UNPROFOR) in the former Yugoslav Republic of Macedonia, prior to its expansion in accordance with resolution 842 (1993). They welcome the fact that, subsequent to the events recorded in your report, the further addition to UNPROFOR's strength pursuant to the latter resolution has now been completed. The members of the Council are conscious of the important contribution made by UNPROFOR in the former Yugoslav Republic of Macedonia to stability in the region. They welcome the establishment of close coordination with the CSCE missions there, as called for in paragraph 4 of resolution 795 (1992), and welcome UNPROFOR's increased ability to fulfil its mandate in the implementation of all relevant resolutions of the Security Council.

The members of the Council look forward to receiving further reports in due course on UNPROFOR's activities in the former Yugoslav Republic of Macedonia.

(Signed) Sir David HANNAY
President of the Security Council

93-41206 (E) 220793 220793

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Security Council

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GENERAL

S/26131
21 July 1993

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVES OF SPAIN ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 12 July 1993 by the Minister for Foreign Affairs of Spain stating that Mr. Rafael Fernandez-Pita, Mr. Francisco Javier Perez-Griffo and Mr. Ernesto de Zulueta have been appointed alternate representatives of Spain on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

93-41000 (E) 220793

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UNITED NATIONS **S**

Security Council

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S/26132
22 July 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 21 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a letter dated 21 July 1993 from His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, in response to the letter addressed to you by the Minister for Foreign Affairs of the Iraqi regime and circulated in document S/25905 of 8 June 1993.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

Annex

Letter dated 21 July 1993 from the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait addressed to the Secretary-General

The Government of Kuwait has taken note of the letter dated 6 June 1993 addressed to you by the Minister for Foreign Affairs of the Iraqi regime concerning Iraq's position on Security Council resolution 833 (1993) of 27 May 1993. Before conveying its response to that letter, Kuwait would like to state once more that it welcomes the statement made on behalf of the Security Council on 28 June 1993 in response to the letter from the Minister for Foreign Affairs of the Iraqi regime and views that statement as a collective international response that rejects Iraqi claims against the sovereignty and independence of Kuwait and any encroachment on its territorial integrity and on the right of its people to express its will and determination to preserve its existence and its distinctive personality.

Kuwait further reaffirms that it welcomes the emphasis placed by the Council on the importance of the demarcation of the boundaries for building regional security and peace, on the linkage between that process and international peace and security and on the contribution of the boundary demarcation to ensuring stability and calm in the region. Since independence, Kuwait has suffered from Iraq's attempts at blackmail, expansion and hegemony and at securing a privileged position in the region to the detriment of the rights of others. The Iraqi regime has used the threat of force to make such gains and has followed a method of systematic encroachment in order to violate Kuwaiti territory in disregard of Kuwait's sovereignty and without consideration for the sentiments of its people with a view to attaining a new geopolitical situation in which new resources become available to the Iraqi economy that will enable it to exercise dominance and fulfil its dreams of expansion and of building the Iraqi model of affluence. This is set out in a book by the Iraqi President's press secretary, as follows:

> "Iraq has pursued a policy of seeking to enjoy a secure strategic position at any phase of confrontation with Iran. A durable peace is only attained by the creation of a wide outlet to the sea that will bar the way to encirclement and attempts to detach southern Iraq and obstruct the Iraqi waterway through which Iraq's oil is exported." (Harb Talid Ukhra ("One War Begets Another"), p. 30)

The Iraqi regime has pursued this policy with a meticulousness and consistency that confirm the dimensions of Iraqi strategic objectives, the essence of which is to annex Kuwaiti territory in the north and among the islands through diplomacy based on intimidation or by open aggression and resort to violence. This is what Kuwait had been living with since independence, and it culminated in the perfidious aggression of 2 August 1990.

In the preamble to its resolution 687 (1991) of 3 April 1991, the cease-fire resolution, the Security Council reaffirms the need for an unequivocal, documented and definitive end to Iraqi claims in Kuwait and for the demarcation of the boundaries between the two countries on the basis of the existing

agreements, documents and exchanges of letters. Iraq's compliance with and faithful implementation of these provisions are basic and vital to the cease-fire and the arrangements made subsequently. Given that Iraq agreed unconditionally and unreservedly to all the provisions of resolution 687 (1991), the cease-fire resolution, we shall discuss objectively and impartially some of those aspects addressed in the letter of the Minister for Foreign Affairs of the Iraqi regime.

I

In its letter of 7 June 1993, the Iraqi regime reaffirms the positions adopted by it in the past, and as set forth in letters of 2 April 1991 and 21 May 1992, on Security Council resolution 687 (1991), on the report of the Secretary-General on the establishment of the Iraq-Kuwait Boundary Demarcation Commission and on the Commission's decisions. As is well known, the Secretary-General refuted the aforesaid Iraqi position in his letter dated 20 April 1991 addressed to the Minister for Foreign Affairs of the Iraqi regime, and the Security Council did likewise in the statements made on its behalf by its President on 17 June 1992 and 23 June 1993.

The Iraqi regime's persistence in reiterating such positions is tantamount to proof of its intransigence, its lack of credibility, its duplicity and its failure to honour its commitments.

II

Throughout, the Iraqi letter makes a point of ignoring the fact that the Security Council reached its decision to request the Secretary-General to lend his assistance in the demarcation of the boundary between Kuwait and Iraq in accordance with its responsibility as set forth in Chapter VII, Article 39, of the Charter of the United Nations, which reads as follows:

> "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

This is to say nothing of the fact that, by its invasion and occupation of Kuwait, Iraq pre-empted any internationally acceptable means of resolving the boundary conflict it had created and it thereupon became necessary for the problem to be solved by United Nations intervention and under United Nations auspices.

III

It is appropriate to stress once more that Iraq's acceptance of resolution 687 (1991), and its acceptance also by the Iraqi National Assembly and not only by the Government of the Iraqi regime, is a definite and clear indication of agreement by the executive and legislative authorities to resolution 687 (1991)

in its entirety, including its demarcation provisions. Thus the contention that resolution 687 (1991) was imposed on Iraq and allowed it no latitude in which to exercise the freedom to adopt the appropriate position in its regard is refuted.

IV

Protest at the decisions of the Boundary Demarcation Commission and the resolutions of the Security Council and the assertion that such decisions came about as a result of an international conspiracy against Iraq amount to no more than an expedient for Iraq to evade its obligations towards the Security Council and the international community and an attempt to give currency to an anomalous viewpoint in order to serve its aggressive and expansionist schemes in the region.

V

The Iraqi letter refers to the resignation of the first Chairman of the Commission owing, so it claims, to his hesitation concerning the possibility of beginning the demarcation of boundaries in the Khawr Abd Allah. This is an interpretation of matters that is based on pure conjecture and that does violence to the truth rather than one based on documentary evidence and the facts as plainly evident from the text of the Chairman's letter on the non-renewal of his contract. There, he requests termination of his appointment as Chairman of the Commission for personal reasons connected with his governmental duties.

VI

Iraq raises particular objections to the terms of reference of the Boundary Demarcation Commission as they relate to demarcation in the Khawr Abd Allah by invoking considerations that are unsound. We should here like to make the following points:

1. To say that the Khawr Abd Allah is not correctly characterized as a territorial sea is to disregard the law of the sea in general and the legal regime of the territorial sea in particular, which has become a customary international norm codified by the 1982 Convention on the Law of the Sea and defined in Part II of the Convention, articles 2 to 7, concerning the legal regime to be applied to the territorial sea. Article 15 of the Convention lays down the basic rules for delimitation of the territorial sea between States with opposite or adjacent coasts by recognizing the median line as the basis for the delimitation of maritime boundaries failing agreement between the two States. The rule operates by agreement of the two States or in accordance with other arrangements determined by the international community, whether through its judicial organs such as the International Court of Justice or in the framework of the Security Council, which is precisely what happened in the present case under the terms of Security Council resolution 687 (1991).

2. To say that the Khawr Abd Allah area does not constitute a territorial sea is, moreover, an argument against Iraq and not in its favour. To maintain such

a position must imply that the Khawr Abd Allah is part of the internal waters of the two States, and it is not rational or logically conceivable that the process of demarcating the boundaries between two States should not involve the delimitation of their internal waters wherever they come together.

3. Kuwait and the United Nations would have welcomed the continued presence of the Iraqi representative in the Commission so that he could have continued to make his observations there instead of outside the Commission.

4. Iraq considers that, in its report of 20 July 1992 transmitted to the Security Council by the Secretary-General on 12 August 1992, the Commission requested the Council to grant it authority to demarcate the boundaries in the Khawr Abd Allah sector. In fact, the Commission was referring to its past work, including a review of the eastern section of the boundary, east of the junction of the Khawr al-Zubayr and the Khawr Adb Allah (para. 295). The report also indicates that the Commission had decided to consider the demarcation of boundaries in the Khawr Abd Allah at its sixth session (para. 297). Thus Iraq's claim that, in one way or another, the Security Council permitted the Commission to demarcate the boundary in the Khawr Abd Allah at the request of the Commission itself is untrue. In paragraph 3 of its resolution 773 (1992), the Council "Welcomes the decision of the Commission to consider the Eastern section of the boundary, which includes the offshore boundary, at its next session" and requests it only to begin "to demarcate this part of the boundary as soon as possible and thus complete its work".

5. Furthermore, as Iraq admits, the Boundary Demarcation Commission discussed the offshore area and the Khawr Abd Allah at its fifth, sixth, seventh and eighth sessions over an eight-month period. This refutes any charge of precipitousness in the Commission's work or concerning the soundness of that work or any failure to accord Iraq the opportunity to state its position or discuss the matter under consideration. It should also be recalled that the representative of Iraq attended the Commission's meetings up to its sixth session.

6. The Iraqi letter claims that the description of the boundary endorsed by the Security Council as a basis for demarcation does not include a characterization of the boundary in the Khawr Abd Allah area and that there is therefore no delimitation of boundaries that is agreed on by the parties concerned. Iraq thus chooses to forget the demarcation formula adopted by the Commission, which includes the arrangement concerning the islands forming an integral part of the existing boundaries and mentioned in the exchange of letters of 1932:

> "... and so on to the junction of the Khor Zobeir with the Khor Abdullah. The islands of Warbah, Bubiyan, Maskan (or Mashjan), Failakah, Auhah, Kubbar, Qaru and Umm-el-Maradim appertain to Koweit".

The 1963 agreement confirmed the boundary description as it was, so that if this formula did not constitute a description of the boundaries in the Khawr Abd Allah area that authorized the Commission to demarcate them, what then was the formula of the boundary description?

7. Furthermore, the claim made in the Iraqi letter that the Khawr Abd Allah area is not formed of the territorial waters of the two States is not only contrary to reality and the true state of affairs but contrary to the position adopted by Iraq in the past, as is shown in the Coucheron-Aamot report, drawn up at the request of the Iraqi Government in 1959, where it states that Iraqi territorial waters extend to the median line.

8. In its letter, the Iraqi regime once again contradicts itself with the claim that there are "special circumstances" in the Khawr Abd Allah area. When it asserts, on the basis of the 1982 United Nations Convention on the Law of the Sea, that the existence of such special cases justifies the demarcation of boundaries that depart from the median line, Iraq admits that the waters in question are territorial waters, given that the Convention only makes deliberate reference to special circumstances in its article 15 and that article concerns the delimitation of the territorial sea between States with opposite or adjacent coasts. Moreover, Iraq does not in any way identify the special circumstances that can be mentioned in this connection but merely asserts that it has "historic rights" in the Khawr Abd Allah without producing any evidence to that effect and says only that Kuwait does not "carry on substantial navigation" in these waters. Acceptance of such a statement would make international maritime law subject to fluctuation and extinction in this field. Is it reasonable to accept and acknowledge the "historic rights" of a State in an offshore area on the grounds that it uses the area more than others? If we are to rely on history, and we also seek support there, then the Khawr Abd Allah was named for Sheikh Abd Allah ibn Sabah, third Amir of Kuwait.

9. Furthermore, the interpretation given in the Iraqi letter that the Khawr Abd Allah is one of the cases of special circumstances provided for in article 15 of the Convention on the Law of the Sea has no basis in the facts of the situation or in the logic of law. Invocation of special circumstances can only take place where adoption of the median-line rule would lead to the separation of part of the territory of a State from its territorial sea, and this would be plainly obvious.

VII

The contention made in the Iraqi letter that the demarcation of the boundary in the Khawr Abd Allah area as decided by the Demarcation Commission may pose a threat to Iraq's right of access to the sea in exercise of its right to safe and unrestricted navigation and may in future place it in the position of a land-locked country overlooks the following facts:

1. In paragraph 97 of its final report and at numerous other points, the Boundary Demarcation Commission guarantees the right to safe and unrestricted navigation in the offshore area for both Kuwait and Iraq:

> "... navigational access is possible for both States through the Khowr Zhobeir, the Khowr Shetana and the Khowr Abd Allah to and from all their own respective waters and territories bordering their boundary. ... this right of navigation and access is provided for under the rules of international law as embcdied in the 1982 United Nations Convention on the Law of the Sea ratified by both Iraq and Kuwait. ... it is also the view

of the Commission that the right of access implies a non-suspendible right of navigation for both States."

2. In paragraph 5 of its resolution 833 (1993), the Security Council:

"Demands that Iraq and Kuwait in accordance with international law and relevant Security Council resolutions respect the inviolability of the international boundary, as demarcated by the Commission, and the right to navigational access."

3. Kuwait will be bound by the decisions of the Boundary Demarcation Commission and the resolutions of the Security Council, as affirmed in the statement of the Kuwaiti Council of Ministers transmitted by the letter dated 16 June 1993 from our Permanent Representative addressed to the Secretary-General:

"[The Council] has demanded that Iraq and Kuwait, in accordance with international law and relevant Security Council resolutions, respect the inviolability of the international boundary, as demarcated by the Commission, and the right to navigational access."

4. Kuwait, like Iraq and like any other State, is not responsible for the boundary situation of any other State, for the coastline that it does or does not have, for the resources that it enjoys or lacks, or for its climate. These are factors that have been decided by history, geography and politics.

5. Iraq has a coastal strip that opens on the Gulf and extends for more than 69 kilometres along the northern shore of the Khawr Abd Allah. This is in addition to the Shatt al-Arab and to the Khawr al-Zubayr in its entirety. Iraq has a number of ports, the most important of which are the commercial ports at Umm Qasr and Basra on the Shatt al-Arab and Mina' al-Bakr on the Gulf itself where the largest oil-tankers can be loaded.

6. Furthermore, the Iraqi regime is always boasting through its information media of the speed with which it completes the construction of its wharves and harbours and the speed with which they are ready for operation and to receive vessels, so that it does not make sense that such ports should have been built on dry land and by a State that has no outlet to the sea or no coastline.

VIII

The claim made in the Iraqi letter that the decisions adopted by the Commission represent a purely political determination imposed on Iraq without regard for its interests is contradicted by the conduct of the representative of the Iraqi regime in the Boundary Commission itself and by the following facts:

1. The representative of the Iraqi regime was in agreement with the Commission at its first meeting that the Commission's work was purely technical and that the political aspect had been addressed by the Security Council.

2. He participated in the formulation of the rules of procedure of the Boundary Demarcation Commission, which stipulated that decisions would be taken

by majority and that a quorum would include at least one State representative (rule 3).

3. He participated in the field visits to the border area.

4. The Commission's experts visited both Kuwait and Iraq, met with specialist technicians and requested both countries to submit whatever documentation, evidence and maps they had to support and document their claims. Kuwait submitted all the documents in its possession, including Iraqi documents, while the Iraqi regime did not submit one single document despite constant promises to the independent experts that it would do so.

5. The representative of the Iraqi regime participated prominently in the meetings of the Demarcation Commission until the adoption of the decisions relating to the demarcation of the land boundaries, which occupied six sessions over a period of approximately one and a half years. Subsequently, by his own free and unilateral desire, he decided to discontinue his participation in the work of the Commission despite the repeated urging of the Chairman and members of the Commission that he should take part.

6. One of the decisions of the Demarcation Commission, that relating to the Khawr al-Zubayr and placing it entirely under Iraqi sovereignty, had the effect of denying Kuwait's right to it. Kuwait voted against it, but the decision was adopted by majority and Kuwait was therefore bound by it.

7. Moreover, that the views of members of the Commission should differ in discussing a particular topic is to be expected and is self-evident, legitimate and logical, and it does not negate the authority of decisions adopted in accordance with the majority principle.

8. The Iraqi letter itself states in its section IV, paragraphs 2 and 3, that the Commission gave adequate scope to Kuwait and Iraq for discussion and review of the offshore area and for the expression of their views thereon.

Finally, the true inspiration of the letter underlying its reiteration of such claims is not concern for an outlet to the sea but a spirit of expansionism and hegemony. The essence and substance of this latest Iraqi letter should be sufficient cause for the Security Council to conclude from it that Iraq is in breach of the first legal obligation presented by resolution 687 (1991), in paragraph 2 of which the Council:

> "Demands that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the 'Agreed Minutes between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters', signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations, Treaty Series, 1964".

Given its responsibility for guaranteeing the inviolability of the boundaries in question and the fact that it has the function of taking all necessary measures as required in order to achieve this goal in accordance with the Charter of the United Nations, the Security Council proceeded to adopt the

statement made by its President on 22 June 1992. Iraq cannot yet request the Security Council to mitigate the sanctions imposed as long as it does not comply first and foremost with the requirement to respect the sovereignty and independence of Kuwait and the inviolability of the boundaries demarcated by the Boundary Demarcation Commission and with regard to which Security Council resolution 833 (1993) was adopted.

(Signed) Sabah Al-Ahmad Al-Jaber AL-SABAH
First Deputy Prime Minister
and Minister for Foreign Affairs

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General Assembly
Security Council

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GENERAL ASSEMBLY
Forty-seventh session
Agenda item 143
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 21 July 1993 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

A Special Ministerial Meeting of 16 members of the Organization of the Islamic Conference (OIC) was held at Islamabad on 12 and 13 July 1993 to consider the grave situation in Bosnia and Herzegovina. The meeting adopted an Action Plan for Bosnia and Herzegovina which I had earlier forwarded to you (see A/47/977-S/26112, annex II).

At the meeting, seven Islamic countries offered to contribute troops for the United Nations Protection Force (UNPROFOR) in former Yugoslavia in response to Security Council resolution 836 (1993). It is the hope of the OIC countries that you will be able to respond positively to these offers so that an adequate United Nations force can be deployed as soon as possible for the protection of the "safe areas" in Bosnia and Herzegovina.

I wish to express our appreciation to you for deputing Assistant Secretary-General Iqbal Riza and General Maurice Baril to participate in the meeting on behalf of the United Nations. The discussions held with them have helped to clarify a number of operational and other issues related to the participation of national contingents from OIC countries in UNPROFOR. Some issues will require further discussions with the United Nations and concerned States Members of the United Nations.

The Islamic countries are deeply anguished by the severe humanitarian problems in Bosnia and Herzegovina, especially the plight of the Muslim populations in the besieged cities like Sarajevo, which are without food, fuel, medicine and even drinking water, while at the same time they are being shelled and attacked by the Serbian forces.

The OIC Ministers were unanimous in their opposition to the imposition of any plan that would partition and dismember the Republic of Bosnia and Herzegovina. We have called for the observance of a cease-fire and cessation of hostilities as an essential prerequisite for the success of negotiations for a

political settlement based on the principles of the Charter of the United Nations, the London Conference and those endorsed by the United Nations Security Council to adopt urgently a resolution demanding a cease-fire.

It is our hope that you will support the early reconvening of the London Conference as the forum for negotiations on Bosnia and Herzegovina. The reconvened Conference should include fuller representation from the Islamic countries.

It is the view of the Islamic countries that, even at this eleventh hour, the United Nations and its Member States must make every possible endeavour to halt the ongoing genocide and aggression in Bosnia and Herzegovina. We have spelt out the measures that should be taken in the Action Plan. The OIC members look forward to working in cooperation with other United Nations Member States to implement these measures to save the people of Bosnia and Herzegovina and to preserve the sovereignty, unity and territorial integrity of this Member State of the United Nations.

I shall be grateful if the text of the present letter is circulated as a document of the General Assembly, under agenda item 143, and of the Security Council.

(Signed) Jamsheed K. A. MARKER
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

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S/26134
22 July 1993

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3257th meeting, held on 22 July 1993, in connection with the Council's consideration of the item entitled "The situation in the Republic of Bosnia and Herzegovina":

"The Security Council has noted with grave concern the letter of 19 July 1993 from the President of the Presidency of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council (S/26107, annex) about the Bosnian Serb military offensive in the area of Mount Igman, close to Sarajevo, a city which has stood for centuries as an outstanding example of a multicultural, multi-ethnic and pluri-religious society, which needs to be protected and preserved.

"The Security Council renews its demand that all hostilities in the Republic of Bosnia and Herzegovina cease and that the parties and others concerned refrain from any hostile acts. It supports the call from the Co-Chairmen of the International Conference on the Former Yugoslavia in this regard, designed to facilitate the peace talks.

"The Security Council reaffirms its resolutions 824 (1993) and 836 (1993), in the first of which the Council declared Sarajevo a safe area that should be free from armed attacks and any hostile acts, and from which Bosnian Serb military or para-military units should be withdrawn to a distance wherefrom they cease to constitute a menace to its security and that of its inhabitants. It condemns the offensive by the Bosnian Serbs on Mount Igman aimed at further isolating Sarajevo and escalating the recent unprecedented and unacceptable pressures on the Government and people of the Republic of Bosnia and Herzegovina before the forthcoming talks in Geneva. It demands an immediate end to this offensive and to all attacks on Sarajevo. It also demands an immediate end to all violations of international humanitarian law. It demands an end to the disruption of public utilities (including water, electricity, fuel and communications) by the Bosnian Serb party and to the blocking of, and interference with, the delivery of humanitarian relief by both the Bosnian Serb and the Bosnian Croat parties.

"The Security Council calls on the parties to meet in Geneva under the auspices of the co-Chairmen of the International Conference on the Former

Yugoslavia. It calls on the parties to negotiate in earnest with the aim of achieving a just and equitable settlement on the basis of the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina and the principles agreed at the International Conference on the Former Yugoslavia in London on 26 August 1992 and supported by the Council in its statement of 2 September 1992 (S/24510). In particular it reaffirms the unacceptability of ethnic cleansing, or the acquisition of territory by the use of force, or any dissolution of the Republic of Bosnia and Herzegovina.

"The Security Council emphasizes that it will keep open all options, none of which is prejudged or excluded from consideration."

UNITED
NATIONS

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Security Council

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22 July 1993

ORIGINAL: ENGLISH

LETTER DATED 22 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you enclosed herewith the text of the statement issued today by the Ministry of Foreign Affairs of the Republic of Armenia.

I should be grateful if you would circulate this as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Permanent Representative

Annex

[Original: Russian]

Statement by the Ministry of Foreign Affairs of Armenia

Erevan, 22 July 1993

Just before the next stage of implementation of the CSCE Minsk Group's peace initiative, representatives of the official structures of Azerbaijan once again resorted to propagandistic disinformation by spreading false rumours about the capture of Agdam by Karabakh forces.

In actual fact the Azerbaijani forces, which, according to some reports, are formations of Suret Guseinov, attacked the positions of the Karabakh Self-Defence Forces on 21 July 1993 from the north and south of Agdam, with the support of 12 armoured-vehicle units.

After repulsing the attack, the self-defence forces of Nagorny Karabakh went on the counter-offensive and repelled the adversary. The situation as of 1900 hours on 21 July was that Stepanakert was being shelled from the Agdam railway station with 152-mm long-range weapons, as a result of which 14 missiles hit the town.

Specific information about casualties and damage is being gathered. This information has been confirmed by representatives of the International Committee of the Red Cross and by foreign journalists who are currently in Stepanakert.

Throughout the night and morning of 22 July, fighting raged in the direction of the district centre of Askeran.

On 22 July, the Azerbaijani side used aircraft in the combat operations.

An extremely tense situation has also developed around the village of Matagio in the Mardakert region.

There is no reliable information as to whether G. Aliev was notified in advance of these operations. It is quite clear that exacerbation of the military situation around Nagorny Karabakh is part of the continuing power struggle and the internal instability in Azerbaijan, which its leadership is once again trying to resolve on the Karabakh fronts. This places entire responsibility for the escalation of the conflict with the current leaders of Azerbaijan, and casts doubt on their ability to fulfil their obligations under the CSCE peace plan.

UNITED NATIONS **S**

Security Council

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22 July 1993
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 22 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that Armenian armed forces are continuing the attack on the city of Agdam which they began on 21 July. Battles are currently going on in the outskirts of the city. Agdam's western suburbs of Chukhurmekhle and Akhmadavar have passed under the control of Armenian armed formations. Armenian artillery is subjecting Agdam to rocket artillery shelling, directing fire also inside the city and shelling roads leading to Agdam.

According to information from the local authorities, yesterday's shelling has resulted in 40 dead and more than 100 wounded among the civilian population. There is destruction of catastrophic proportions in the city.

Reports being spread by the Armenian side about the alleged offensive mounted by the Azerbaijani army against Askeran and the shelling of Hankendi are disinformation and are an attempt to justify its flagrantly aggressive actions directed towards territories outside the highland part of Karabakh.

Early this morning, Armenian troops, supported by armoured vehicles, went into the offensive to the north of Agdam from the direction of the earlier occupied village of Chullu and also in the north of Karabakh. The high ground in the direction of the town of Terter was taken by them here. In the south of Karabakh, villages of Djebrail and Fizuli districts were shelled.

At the same time, the villages of Mor-Mor and Novoivanovka in the Kedabek district of the Azerbaijani Republic were subjected to artillery shelling from the territory of Krasnoselsk district in Armenia.

The fact that the large-scale offensive by the Armenian armed forces began on 20 July, the very day when the Karabakh Armenians were due to decide whether they agreed with the CSCE schedule of urgent measures, including the schedule for the withdrawal of troops from Kelbajar district, is proof of their true aims in this conflict and their stubborn refusal to move towards a peaceful settlement.

The Azerbaijani side is convinced that the actions of the Armenian armed forces represent a gross violation of the Charter of the United Nations and calls on the United Nations and the international community as a whole to take every measure available with a view to preventing the spread of the Armenian armed aggression against the Azerbaijani Republic.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

UNITED
NATIONS

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22 July 1993

ORIGINAL: ENGLISH

LETTER DATED 22 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the text (in Russian) of a Statement of the Ministry of Foreign Affairs of th Azerbaijani Republic on the ongoing Armenian aggression against Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

Annex

[Original: Russian]

Statement issued by the Ministry of Foreign Affairs of the Azerbaijani Republic

On 22 July 1993 elements of the armed forces of the Republic of Armenia began a large-scale offensive on the city of Agdam. Having taken the western suburbs, the occupiers are destroying the ancient city using tanks, rocket artillery and heavy artillery. According to preliminary information, 40 civilians have died and over 100 have been injured.

It is now "customary" for the politicians of the Republic of Armenia to undertake offensive activities while various international forums are at work attempting to put an end to the bloodshed that has gone on for six years now in the long-suffering land of Azerbaijan. The current offensive, which was launched in the direction of Agdam, comes at a time when the representatives of Germany, the United States of America, the Republic of Belarus, France, Sweden, the Czech Republic, Italy, the Russian Federation and Turkey have been meeting in Rome under the chairmanship of Mr. Mario Rafaelli to search for urgent steps to normalize the situation and begin the peace process.

The latest offensive by Armenian militarists provides the starkest evidence of the unwillingness of the Republic of Armenia and the self-proclaimed leaders of the Armenian community of Nagorny-Karabakh to seek to solve problems by peaceful means. The flouting of international standards of behaviour, morality and law has become a matter of course for out-and-out expansionists.

The Azerbaijani people, continuing to believe in the power of international organizations and remaining the victim of aggression, hopes that the States participating in the meetings under way in Rome will in the end make the proper assessment and adopt the necessary political sanctions against the aggressor.

UNITED
NATIONS

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ORIGINAL: ENGLISH

LETTER DATED 22 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF SINGAPORE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the Permanent Representatives to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the text of a statement issued by the Foreign Ministers of ASEAN on Cambodia on 22 July 1993.

I should be grateful if you could arrange to have the statement circulated as a document of the Security Council.

(Signed) CHEW Tai Soo

Annex

Statement issued on 22 July 1993 by the Foreign Ministers of ASEAN on Cambodia

1. We, the Foreign Ministers of ASEAN, welcome the formation of the Provisional National Government of Cambodia as an important step towards the establishment of a Government of national reconciliation based on the new Constitution to be drafted by the elected Constituent Assembly.

2. We reiterate our support for the efforts of His Royal Highness Samdech Preah Norodom Sihanouk, Head of State of Cambodia, to unify the Cambodian people and to bring about national reconciliation. We hope that all Cambodians will continue to set aside factional interests and work towards national reconciliation.

3. We are encouraged by the relatively calm and stable situation in Cambodia. These conditions depend on the continued functioning of the administrative and security apparatus in Cambodia. We recognize the urgent need to provide emergency financial assistance in support of the administrative, police and military structures of the interim joint administration. To this end, we urge the United Nations speedily to meet this requirement from existing funds and other sources.

4. Through UNCTAC's peace-keeping efforts, the United Nations helped to create conditions for the successful conduct of free and fair elections in Cambodia. With the expiry of UNCTAC's mandate, Cambodia enters a new phase of peace-building. We call on the United Nations Security Council once again to muster the political will and the resources of the international community, as it did in UNTAC, to continue to work in partnership with the Cambodian people to achieve durable peace and stability. We welcome the continued role of the United Nations in the post-conflict peace-building process in Cambodia.

5. We also call on the international community to assist Cambodia in the enormous task of rebuilding its shattered infrastructure and its political, social and economic institutions. To this end, the International Conference on the Reconstruction of Cambodia should immediately effect the disbursement of aid and assistance already pledged at the Tokyo Conference of June 1992 for the reconstruction of Cambodia.

UNITED
NATIONS

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23 July 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 19 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a report updating document S/24428 dated 14 August 1992, concerning the damage resulting from the implementation of Security Council resolution 748 (1992) for the period 15 April 1992 to 30 April 1993.

I should be grateful if you would have this document circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

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Annex

Impact of the implementation of Security Council resolution 748 (1992) during the period from 15 April 1992 to 30 April 1993

The implementation since 15 April 1992 of Security Council resolution 748 (1992) has caused large-scale injury to the Libyan Arab people in various humanitarian and economic aspects of life, such as the following:

I. Humanitarian impact

As a result of the implementation of the aerial embargo on the Great Socialist People's Libyan Arab Jamahiriya, its citizens and various categories of aliens residing and working there have been exposed to a number of negative and extremely hazardous humanitarian effects and repercussions, including the following:

- Inability to send some 8,525 incurably ill patients abroad by air in particular urgent cases where the patients would have been moved by air ambulance or by the aircraft of other airlines, in cases involving heart disease, kidney transplants, detached retina, brain surgery, neurosurgery, bone-marrow transplants, burns and malignant diseases.

- Two hundred and thirty of these seriously ill patients who should not have been transported by land died while travelling by overland routes to the airports of neighbouring States. Because of the distance and the difficulty of travelling overland with the speed necessary to save the patient, they were doomed to certain death.

- An obstacle was placed to scheduled visits by specialized medical professors and lecturers invited from various universities and colleges in Austria, Yugoslavia, Germany, Switzerland, France, Italy, Poland and Bulgaria. Some 150 professors and specialists in various medical fields were prevented from visiting the Great Jamahiriya to treat some incurably ill cases, to perform delicate surgical interventions and to participate in university examinations and in scientific and medical conferences and symposiums held in the Great Jamahiriya.

- Conversely, many of our physicians and professors were unable to participate in a number of international conferences and seminars held in various parts of the world, and that has deprived us of observation, participation and information.

- Many medical and paramedical personnel were unable to accept work in the Great Jamahiriya as a result of the difficulties facing them. Some 2,500 personnel were unable to come to the country. More than 100 medical and paramedical personnel tender their resignations each month, and the number of personnel resigning up to the end of March was approximately 1,200. This has caused complications in the provision of medical services at various health facilities.

- The maintenance services for medical and electromagnetic equipment used in health facilities are out of operation because of the non-arrival of spare parts, orders for which totalled $10 million. The technicians responsible for the maintenance of this equipment are unable to come to the country, and this has led to the suspension of some services in many hospitals.

- The condition of many allergy sufferers has become critical because of the delay in the arrival of drugs imported by special rush order. In addition, there is a delay in the arrival of essential operational materials, which has led to the death of approximately 200 infants in the hospitals of the Jamahiriya and the deaths in child birth of 50 Libyan women.

- The joint programme agreed on with the World Health Organization (WHO) has been obstructed. Most of the visits by experts and work teams scheduled by WHO have been cancelled, and this constitutes an obstacle to the development of the health sector and impedes primary care programmes. Health cooperation is jeopardized, and attainment of the WHO objectives of achieving a health strategy for all by the year 2000 is impeded.

- The arrival of consignments of medical supplies has been delayed, and it has been difficult to unblock them because of non-arrival of data and samples of each consignment at the appropriate time. Difficulty has arisen in the delivery and storage of all sera vaccines, blood derivatives, hormones, AIDS-test reagents and irradiated iodine, and they have been exposed to spoilage and loss as a result of being imported by sea, which actually caused a transmutation to occur in infantile paralysis vaccine. Many manufacturing countries are inquiring about a way to ship these drugs that require air transport. This has caused further delays in the arrival of consignments and, consequently, their non-availability in drug stocks. In addition, they are exposed to loss and spoilage as a result of atmospheric conditions and the way in which they are handled on board vessels and in port, as happened in the case of the consignment delivered by sea from the TANSSEM company (anaesthesia and anaesthetics), when a large portion was lost.

- One hundred and fifty-six orders for medicines, equipment and other requirements were delayed. The orders related to sera, vaccines, laboratory reagents and operational items. The total value was approximately $50 million.

- As a result of the aerial embargo, traffic has increased on the land routes linking the Jamahiriya with neighbouring countries, and this has led to an increase in road accidents to more than twice the previous figure. We should like to draw attention here to the grievous accident that took the life of the late Ibrahim Bakkar, Secretary of the General People's Committee for Justice and Public Security, on 6 January 1993, during his return to the Jamahiriya after attending the Meeting of Arab Ministers of the Interior held at Tunis.

II. Economic impact

As a result of the imposition of the aerial embargo on the Great Jamahiriya, the national economy suffered widespread damage. Economic activities were also affected by the embargo. So far as it is possible to estimate, direct losses amounted to approximately $2,400 million, broken down as follows:

Agricultural and livestock production sector

The embargo resulted in the decline of approximately 40 per cent in agricultural and vegetable production. This damage may be summarized as follows:

1. Plant production

We may summarize the impact on this sector as follows:

- Inability to import a sufficient number of seedlings of various trees and the necessary requirements.

- Inability to import hybrid vegetable seeds, greenhouse requirements, etc.

- Difficulties with regard to the swarms of bees whose import from Australia was agreed on and difficulty in importing Apistan strips to treat the epidemic of varroa-mite disease affecting the bees.

- Difficulties in obtaining the seed samples required for experimentation.

- Halting of the campaigns to detect and combat the Saharan locust, owing to non-availability of spare parts for agricultural aircraft, desert vehicles and pesticides for locusts.

- Halting of dealings with the sector by foreign firms with regard to the establishment of a laboratory to analyse agricultural pesticide and fertilizer residues.

- Disruption of the programme to export locally produced fruit and vegetables, since a 44 per cent decline below target was registered, representing a value of $234 million. The value of the credits opened for the delivery of various foodstuffs, operational necessities, drugs and equipment necessary for the various economic activities by air totalled $500 million, and to date some of these goods have still not arrived. In particular, drugs have failed to arrive on time.

The volume of material damage affecting plant production and the estimated value may be summed up as follows:

			$
-	Fruit-tree seedlings	50 per cent of the seedlings	2 500 000
-	Vegetable seeds		3 500 000
-	Fruit and vegetable exports	100,000 tons	15 000 000
-	Honey research and production	740 swarms	1 687 500
-	Winter grain crops	158,000 tons	34 700 000
-	Summer grain crops	10,800 tons	2 500 000
-	Winter and summer fodder crops	678,000 tons	15 600 000

2. Livestock

The impact of the implementation of the resolution may be summarized in the following points:

- The arrival of veterinary supplies imported from some European countries such as France, Switzerland, Germany and the United Kingdom has ceased. The most important of such supplies are the vaccines that constitute the basis of livestock production, since without them the deaths of non-immunized stock amount to 90 per cent. There was also an absence of the preventive and diagnostic tools and veterinary treatment, which affected the implementation of prevention and treatment programmes and, consequently fodder consumption and reproductive cycles.

- The dispatch of samples to international authorities with which close cooperation had been established has been stopped, rendering diagnosis or analysis problematic.

- The arrival of consignments of chickens, chicks and eggs for incubation, imported from the Netherlands, Belgium and France, has ceased.

- If we examine the material losses of livestock, we find that it is very large and increases daily. The proportion of still births among sheep was approximately 55 per cent, or a loss of approximately 1,544,000 animals. Among females giving birth it was approximately 10 per cent, or 400,000 animals. The volume of losses resulting from deaths among sheep was approximately $583,200,000. The proportion of stillbirths among cattle was approximately 30 per cent, or a loss of approximately 10,500 animals. The figure for females giving birth was 10 per cent, or 10,000 animals. The cost of stillbirths among cattle was approximately $44,520,000. The quantity of milk is estimated at approximately 9 million litres, at a cost of $8,100,000. The proportion of stillbirths among goats was 50 per cent, or approximately 1,120,000 animals, with 20 per cent of deaths among females giving birth, or approximately 224,000 animals. The cost of

the losses among goats are estimated at approximately $212,040,000. Among poultry, losses totalled approximately $126,314,250. Mutton and lamb losses totalled 13,328 tons, while beef losses totalled 2,512 tons, on the basis of males only. The figures for goats were 11,760 tons, for poultry 10,881 tons and for table eggs 182,150,000.

3. Production requirements

Since the great 1 September revolution, the agricultural sector has seen a great transformation. The transformation then focused on this sector, and many projects and agricultural activities were implemented. In this process, production requirements, machinery and heavy equipment were employed. They were and are imported from those States that possess this technology, namely, the United States of America and the other Western States. Following the implementation of resolution 748 (1992), the agricultural sector suffered many problems as a result of the halt in imports of production requirements, machinery and equipment needed for this sector in order to raise production levels.

That may be summarized as follows:

- Halting of the programme for the importation of water purification networks, sensitive irrigation networks and agricultural machinery and equipment.

- Inability to import goods for agricultural prevention and protection and means of combating forest fires.

- Inability to import various chemical substances such as pesticides and rare elements.

- Halting of the programme for the importation of spare parts for agricultural projects and for farmers and for agricultural professionals.

- A demand by companies exporting agricultural requirements for certification that the agricultural technology would not be used for military purposes or in chemical plants, particularly in the case of generators, large pumps and agricultural pesticides.

- Refusal of many companies to enter into bidding in the sector.

4. Planning, organization and administration

The negative impact of the implementation of the Security Council resolution was not confined to technical aspects directly. There were other, indirect effects on planning, programming, execution and administration in the sector, and their impact was greater than that of the direct effects on the material aspects. The disruption of programmes for the importation of production requirements and the exportation of the surplus made the production processes and programme execution in the sector more difficult and more complicated and made the sector and also farmers and raisers of livestock divert their production schedules to other activities that were perhaps not so

profitable or even so appropriate. That contributed to the decline in the level of agricultural production, while the difficulties facing the sector with regard to sending trainees abroad and ensuring the participation of its experts in foreign meetings, visits by international expert consultants and obtaining scientific and technical publications impeded the process of transfer of knowledge and of scientific and technical know-how, and this played a large part in the disruption of the agricultural sector's plans and activities.

Transport and communications sector

- As a result of the halting of foreign air traffic arising from the aerial embargo imposed under resolution 748 (1992), Libyan Arab Airlines lost $361,284,000 in direct income owing to the drop in sales.

- The security and safety of domestic air transport was endangered as a result of the non-availability of the necessary spare parts, inability to perform the necessary maintenance in a timely manner and the absence of a stock of spare parts in the company's depots, which increasingly forced aircraft to cease daily operation.

- The overseas activity of the Libyan Arab Air Freight Company was halted, resulting in the loss of some $128,700,000 in income.

- The Socialist Airports Company lost considerable sums as a result of the loss of fees for accommodation, takeoff and other services, estimated as approximately $36,300,000.

- The Light Air Transport and Technical Services Company lost revenue estimated at $5,887,000 as a result of failure to obtain the necessary spare parts for maintaining and operating its aircraft according to schedule.

- The General Board for Civil Aviation and Meteorology incurred costs of $11 million, representing payment of wages and salaries to workers without any return and also loss of annual income of more than $4 million, owing to the halting of air traffic.

- The general freight traffic in ports was affected as a result of the provision of daily services to passengers, which had a negative effect on services to freight vessels. Additional costs were incurred as a result of the increase in the consumption of shipping and other equipment, which was 20 to 25 per cent above normal rates.

- It was necessary to charter vessels in order to reduce the problem of passenger transport to and from the Jamahiriya, at a cost of $18 million, without regard for an economic return.

- It was difficult for Libyan citizens wishing to perform the pilgrimage and the umrah to do so, because it was not possible for them to travel to the holy places in a comfortable manner suited to the health and fitness of each pilgrim.

- There was an increase in the rate of the use of private and public vehicles and trucks on land routes, exposing roads to increased damage. This led to an increase in the maintenance costs, which were over $18 million, in addition to the increase in wear and tear, maintenance for all forms of transport and increased fuel consumption.

- The posts and communications sector was affected considerably by the aerial embargo, leading to the choice of intermediate exchanges to expedite and receive mail, which led to a 40 per cent increase in expenditures.

Industrial sector

The implementation of resolution 748 (1992) has had a clearly negative aspect on the industrialization movement in the Great Jamahiriya, particularly on production rates and follow-up of the implementation of industrial projects, which had been in the stage of completing the assembly of new production lines and becoming operational.

The implementation of the resolution had negative effects on the production process, because of the exhaustion of factory stocks of raw materials, delivery of which depended primarily on air transport.

The resolution also caused obvious confusion in the schedules and activities of our industrial companies in relation to their foreign counterparts as a result of the embargo. The Western propaganda that accompanied the implementation of the resolution also played an active role in influencing major industrial companies and the contractors executing our industrial projects to adopt a negative position, on feeble pretexts, regarding continued fulfilment of existing obligations under the contracts concluded with those companies. Damage to the industrial sector may be summarized as follows:

- The difficulty of importing spare parts for emergency cases arising from sudden stoppages. This led to prolonged emergency stoppages in plants.

- Difficulty in obtaining replacements for defective or missing parts or components for assembly industries when speedy air delivery was required.

- Obstruction and delay in direct meetings between the organs of the industrial sector and companies, normally held periodically or if urgently needed, for discussion of matters relating to the delivery of production requirements, spare parts and technical assistance.

- Inability of factories to send representatives abroad to inspect imported goods at the port of shipment with the desired expedition at the specified time and delay in the arrival of packages of samples of raw materials. This has had a negative impact on the flow of raw materials and production requirements delivered to factories.

UNITED
NATIONS

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23 July 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 20 JULY 1993 FROM THE PERMANENT MISSION OF SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretary-General and, referring to paragraph 13 of Security Council resolution 841 (1993) of 16 June 1993, has the honour to provide him with the following information:

On 24 June 1993, the Swedish Government issued an Ordinance (1993:955) on Certain Sanctions against Haiti. The Ordinance entered into force on 1 July 1993.

Under the Ordinance military equipment and police equipment as well as petroleum and petroleum products may not be exported from Sweden if their destination is Haiti (section 1). These products may neither be exported to Haiti, nor may they be supplied within that State in the course of operations of an economic or business nature or be supplied outside that State if they are intended for operations of an economic or business nature which are operated from that State (sections 3 and 4). Measures and activities which are intended to promote the acts mentioned in sections 2 to 4 may not be undertaken. Such measures include the manufacture, maintenance or repair of the products above, the loading or transportation of such products and also the issue of insurance (section 5). A Swedish-flag vessel or aircraft may not transport the above-mentioned products to Haiti (section 6). The prohibitions in sections 2 to 6 do not include non-commercial quantities of petroleum and petroleum products in barrels or small containers intended for essential humanitarian needs, authorized by the Sanctions Committee (section 7). Funds or property belonging to the Government of Haiti or the de facto authorities of Haiti or entities owned or controlled by such Government or authorities are frozen (section 8).

UNITED
NATIONS

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Security Council

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S/26141
23 July 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 21 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Japan to the United Nations presents his compliments to the Secretary-General of the United Nations and, in reference to paragraph 13 of Security Council resolution 841 (1993) of 16 June 1993 concerning the situation in Haiti, has the honour to transmit herewith a summary of the measures taken by the Government of Japan.

Annex

The Government of Japan has taken the following measures to implement Security Council resolution 841 (1993):

1. The Foreign Exchange Control Order was amended so that transactions by residents concerning sale and purchase of goods, involving movement of goods between foreign countries in which the destination of petroleum or petroleum products is Haiti, shall be subject to licence of the Government.

Exports of petroleum or petroleum products or arms and related material, as well as transactions by residents in Japan involving movement of arms and related material between foreign countries, wherever the destination of the goods, are all subject to licence of or approval by the Government under provisions of the existing Foreign Export Control Order and Foreign Exchange Control Order.

The prevention of the sale or supply of petroleum or petroleum products or arms and related material, as well as that of activities to promote such sale or supply, as required by the Security Council resolution, shall be implemented by the provisions concerned of the Foreign Export Control Order and Foreign Exchange Control Order mentioned above.

2. The Government of Japan issued bulletins to entities related to transportation requiring them to abide by the measures provided in the Security Council resolution concerning the prevention of transportation to Haiti of petroleum or petroleum products or arms and related material and the prohibition of all traffic from entering the territorial area of Haiti carrying such cargo.

3. The Government of Japan issued a notification based on the Foreign Exchange Control Order, which subjects to licence of the Government payment to persons or entities residing in Haiti or to entities controlled by them, as well as payment directed abroad by such persons or entities. The freeze on Haitian funds required by the Security Council resolution shall be secured by this measure.

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NOTE VERBALE DATED 22 JULY 1993 FROM THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Deputy Representative of the United States of America to the United Nations presents his compliments to the Secretary-General and has the honour to submit the attached Executive Order,* signed by President William J. Clinton on 30 June 1993, in accordance with paragraph 13 of Security Council resolution 841 (1993) of 16 June 1993.